

OCT 15 2004



INDIANA UTILITY REGULATORY COMMISSION  
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INDIANAPOLIS, INDIANA 46204-2764

INDIANA UTILITY

REGULATORY COMMISSION

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IN RE COMPLAINT OF PARK  
JEFFERSON V. NIPSCO

CAUSE NO. 42671

You are hereby notified that on this date the Presiding Administrative Law Judge in this Cause makes the following Entry:

On September 27, 2004, the Presiding Administrative Law Judge received a letter dated September 23, 2004, from John William Davis, Jr., counsel for the Complainant in this Cause. A Certificate of Service on the two (2) other parties to this proceeding: the Indiana Office of Utility Consumer Counselor and Northern Indiana Public Service Company accompanied the letter, as did two (2) documents purporting to have relevance to the initiation of the complaint that is the subject of this Cause and to a motion to dismiss that Mr. Davis states may be filed at a later date. The letter requests a determination as to whether the Commission's existing rules found at 170 IAC 1-1.1 or the Commission's former procedural rules (170 IAC 1-1) apply to this proceeding, insofar as one of the accompanying documents shows that an informal complaint was sent to the Commission at a time before 170 IAC 1-1 was superseded by 170 IAC 1-1.1. No party responded to the letter which, as a communication in this Cause, was not filed in accordance with Commission rules.

In response to the request, and without regard to when the informal complaint that is the subject of this Cause was initiated, the Presiding Administrative Law Judge intends to continue to apply the Commission's procedural rules found at 170 IAC 1-1.1 to this Cause. The practice and procedural rules found at Rule 1.1 have applicability to matters formally before the Commission that are initiated on its own motion, or by petition or complaint pursuant to the same Rule 1.1. This matter came before the Commission for an order on appeal, and the Commission initiated this Cause, as a result of receiving the Complainant's Notice of Appeal, dated June 6, 2004, requesting review of a Consumer Affairs Division's determination of an informal complaint.

IT IS SO ORDERED.

William G. Divine  
William G. Divine, Administrative Law Judge

10-15-04  
Date